

WENATCHEE SCHOOL DISTRICT NO. 246

RESOLUTION NO. 05-23

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WENATCHEE SCHOOL DISTRICT NO. 246 DECLARING
THAT KATHERINE THOMAS IS NOT ELIGIBILE TO BE A
SCHOOL BOARD DIRECTOR AND THAT POSITION #4 ON
THE BOARD OF DIRECTORS IS DEEMED VACANT.**

WHEREAS, the Board of Directors of the Wenatchee School District No. 246 (“Board”) adopts Board Policies on how the Board and District will conduct official business; and

WHEREAS, Board Policy 1113 states that “a school director must remain a resident of the school district to be eligible to continue to serve as a school board member;” and

WHEREAS, Board Policy 1113 further states that “if a director’s residence changes to a place outside of the district, the director must resign and his/her eligibility to serve ends.” (Emphasis added); and

WHEREAS, RCW 28A.343.350 requires that a school board director reside in the school district boundaries; and

WHEREAS, RCW 42.12.010(4) states that an “elective office shall become vacant” when the elected official ceases “to be a legally registered voter of the district … from which he or she shall have been elected[.]” (Emphasis added); and

WHEREAS, as required by RCW 29A.08.620, a registered voter will be placed on “inactive status” when the county auditor has received from the postal service, the department of licensing, or another agency designated to provide voter registration services information that the voter has moved from the county to another location; and

WHEREAS, pursuant to RCW 29A.08.010, to be a legally registered voter of Wenatchee School District No. 246, the voter’s residence must be within the boundaries of the District; and

WHEREAS, RCW 29A.04.151 defines “residence” as “a person’s permanent address where he or she physically resides and maintains his or her abode.” There are exceptions, which are not applicable to the current matter; and

WHEREAS, Katherine Thomas holds Director Position #4 on the Board; and

WHEREAS, there is substantial evidence to establish that Katherine Thomas intends to make El Paso, Texas her current residence. Such evidence includes, but is not limited to the following:

1. On March 23, 2023, Ms. Thomas and her husband purchased a home in El Paso, Texas as evidenced by a Deed of Trust filed with the El Paso County Clerk under Doc # 20230020738;
2. For the 2023/24 school year, Ms. Thomas has enrolled her child in a high school in the El Paso, Texas area;
3. Ms. Thomas has recently informed other director(s) of the Board that she is relocating to El Paso, Texas;
4. Since June 2023, Ms. Thomas has generally appeared remotely for Board meetings and it is under good faith and belief that she was physically in El Paso, Texas at the time of the meetings; and
5. On September 22, 2023, Ms. Thomas's voter registration was listed as "inactive" for Washington state.

WHEREAS, Katherine Thomas has stated to the Board that at this time she intends to maintain her permanent residence at 2148 No. 2 Canyon Rd., Wenatchee, Washington, which is within the boundaries of Wenatchee School District No. 246; and further provides the following:

1. Her Washington State issued driver's license lists the above address as her current address; and
2. On September 26, 2023, her voter registration was listed as "active" for Washington state with above address listed as the registered address.

WHEREAS, despite the information provided by Katherine Thomas, there is substantial evidence that Ms. Thomas no longer resides within the boundaries of Wenatchee School District No. 246, and consequently, she is no longer eligible to serve as a director on the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT:

Section 1. Board Findings. The Board hereby adopts the recitals as its findings, and such recitals are incorporated herein by this reference.

Section 2. Declaration. The Board hereby declares that Katherine Thomas is not eligible to serve as a director for the Board of Directors for Wenatchee School District No. 246 as she does not reside within the boundaries of the District. The Board hereby further declares that Position #4 on the Board of Directors is immediately deemed vacant by operation of law; or in the alternative, that Katherine Thomas has constructively resigned her position on the Board effective immediately by no longer residing within the boundaries of the District.

Section 3. Directive. If Ms. Thomas attempts to act in any capacity as a current member of the Board of Directors for Wenatchee School District No. 246, the Board directs the Superintendent to request legal counsel to seek a court order to prevent any such action. The

Superintendent is further directed to “deactivate” Ms. Thomas’s District issued email account and to remove Ms. Thomas from the District’s website as a current member of the Board.

Section 4. **Severability.** If any section, clause, or provision of this Resolution or its application to any person or circumstance is declared by the court to be invalid, the remainder of this Resolution or the application of the provision to other persons or circumstances shall not be affected.

Section 5. **Effective Date.** This Resolution shall take effect upon adoption.

ADOPTED at a regular open public meeting of the Board of Directors held on the 26th day of September, 2023.

BOARD OF DIRECTORS OF
WENATCHEE SCHOOL DISTRICT NO. 246:

By _____
MARIA IÑIGUEZ, Position #2
President

By _____
JULIE NORTON, Position #5
Vice President

By _____
LAURA JAECKS, Position #1
Director

By _____
MARTIN BARRON, Position #3
Director

By: VACANT
Position #4

I certify that the foregoing Resolution was duly adopted by the Board of Directors of the Wenatchee School District No. 246 at a regular open public meeting held on the 26th day of September, 2023, at which a quorum was present.

DR. KORY KALAHAR
Secretary/Superintendent